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Before the
Federal Communications Commission
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
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In the Matter of

Streamlining Broadcast EEO
Rule and Policies, Vacating
the EEO Forfeiture Policy
Statement and Amending Section
1.80 of the Commission's Rules
to Include EEO Forfeiture
Guidelines

MM Docket No. 96-16

To: The Commission

COMMENTS

EZ Communications, Inc. ("EZ"), which through its subsidiaries is the licensee of twenty radio broadcast stations in eight large markets, hereby submits its comments in response to the Order and Notice of Proposed Rulemaking ("NPRM"), 61 Fed. Reg. 9964 (March 12, 1996), issued in the above-captioned docket.¹

As a general matter, EZ supports the Commission's initiative to streamline equal employment opportunity ("EEO") requirements for broadcasters. As a result of the USTA v. FCC, 28 F.3d 1232 (D.C. Cir. 1994), and Adarand Constructors, Inc. v. Pena, 115 S.

¹ EZ's subsidiaries are currently the licensees of the following stations: WSSS(FM) and WSOC(FM) in the Charlotte market; KBEQ(AM), KBEQ-FM, and KFKF(FM) in the Kansas City market; WBYU(AM), WEZB(FM), and WRNO(FM) in the New Orleans market; WIOQ(FM) and WUSL(FM) in the Philadelphia market; WBZZ(FM) and WZPT(FM) in the Pittsburgh market; KHTK(AM), KRAK(FM) and KNCI(FM) in the Sacramento market; KSD(AM), KSD-FM, and KYKY(FM) in the St. Louis market; and KMPS(AM), KMPS-FM, KZOK(FM), and KYCW(FM) in the Seattle market.

Ct. 2097 (1995), decisions, the law in this area has been in a state of flux, and EZ applauds the agency's attempt to bring more certainty to the field at the same time that it deals with broadcasters' concerns about the administrative burdens created by previous rulings.

In its NPRM, the Commission requests comment on what standards should determine how stations qualify for any relief afforded under new streamlined EEO rules. EZ supports the Commission's proposal to use the size of the local minority labor force in a station's market as a determinant of eligibility.² Licensees are most likely to draw qualified applicants from their immediate geographic areas, and, in markets with statistically fewer minorities in the workforce, it is a given that stations face greater difficulty in recruiting minorities, no matter how extensive their EEO efforts. EZ recommends that stations be eligible to qualify for streamlined rules if they are located in markets in which less than ten percent of the general population is comprised of minorities. EZ believes that such an adjustment in the qualifying standard would not only better reflect demographic realities but would also address the resulting difficulties licensees face in such markets.

In its NPRM, the Commission also proposes to reduce broadcasters' individual record keeping obligations by allowing stations to rely on the resources of a central recruiting source, such as a state or local broadcasters' association, provided

² NPRM at ¶ 21.

certain criteria are met.³ EZ has used such sources and has found them to be a very effective tool for identifying prospective employees. EZ supports the Commission's proposal and endorses the criteria suggested in the NPRM.

Over its almost thirty-year history in broadcasting, EZ has employed numerous women and minorities in part-time positions and created internships which it has also used as a successful method of identifying, training, and hiring female and minority candidates. Recent economic and societal developments such as corporate down-sizing and two-income families have made part-time employment more attractive for both employers and employees. EZ devotes extensive efforts to employing women and minorities in part-time positions and believes that the Commission should recognize these efforts. EZ proposes that, for licensees that choose to make such efforts and document them, the Commission should formally, either as matter of rule or policy, extend additional credit to part-time practices in its evaluation of stations' EEO performance.

Finally, given the great legal and administrative uncertainties that have existed in this area of the law over the last several years as a result of conflicting agency and judicial pronouncements, EZ proposes that the effective date of any proposals adopted in this docket be deferred until administrative and judicial finality. The burdens created by adjusting and

³ NPRM at ¶¶ 32-33.

readjusting corporate policies to standards that may change on an annual or semi-annual basis are just too great to justify an earlier effective date.

Respectfully submitted,

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July 11, 1996

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